

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mitsuru Ohkubo, et al.

Serial No.: 10/565,326 Case No.: BY0019YP

Filed: January 20, 2006

For: INDOLOPYRROLOCARBAZOLE DERIVATIVES
AND ANTI-TUMOR AGENT

Art Unit:

1623

Examiner:

F. SmithMail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450REPLACEMENT DECLARATION AND
REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Applicants respectfully request the replacement of the Declaration submitted at the time the above captioned application was filed with the newly executed Declaration attached hereto.

The replacement Declaration corrects a typographical error with respect to the spelling of the Title of Invention. The correct spelling should be INDOLOPYRROLOCARBAZOLE DERIVATIVES AND ANTI-TUMOR AGENT.

In light of the correction made in the replacement Declaration, Applicants request that a corrected filing receipt be issued. The filing receipt as originally issued with this correction noted is attached. A copy of the first page of the Transmittal Letter and the return postcard are also attached, which accompanied the filing of this application.

Please charge Account No. 13-2755 for the fee associated with this request.

Respectfully submitted,

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY: DATE: 7/17/06By: 

David A. Muthard

Registration No. 35,297

Attorney for Applicants

MERCK & CO., INC.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-3903

Date: July 17, 2006

MISC. FEE TRANSMITTAL*Patent fees are subject to annual revision.**Complete if Known*

Application Number	10/565,326
Filing Date	January 20, 2006
First Named Inventor	Mitsuru Ohkubo
Examiner Name	To be determined
Group Art Unit	To be determined
Attorney Docket Number	BY0019YP

TOTAL AMOUNT OF PAYMENT

\$130

METHOD OF PAYMENT☒ Deposit Account

Deposit Account Number 13-2755

Deposit Account Name Merck & Co., Inc.

The Director is authorized to:☒ Charge fee(s) indicated below☒ Credit any overpayments☒ Charge any additional fee(s) or underpayments of fee(s)
under 37 CFR 1.16 and 1.17**FEE CALCULATION****FEES****Large Entity**

Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	130
1051	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1402	500	Filing a brief in support of an appeal	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1840	130	Statutory Terminal Disclaimer under 37 CFR 1.321	
		Other fee (specify) _____	
		Other fee (specify) _____	

07/24/2006 ATRAN1 00000123 132755 10565326

01 FC:1617 130.00 DA

TOTAL \$130**SUBMITTED BY****Complete (if applicable)**

Typed or Printed Name

David A. Muthard

Reg. Number

35,297

Signature



Date

07/17/2006

Deposit Account User ID

13-2755



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/565,326	01/20/2006	1623	900	BY0019YP		7	2

000210
 MERCK AND CO., INC
 P O BOX 2000
 RAHWAY, NJ 07065-0907

LOCKETED
 MAY 26 2006
 KATH KLUTKOWSKI

CONFIRMATION NO. 2187

FILING RECEIPT



OC000000018843291

Date Mailed: 05/18/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mitsuru Ohkubo, Ushiku-shi, JAPAN;
 Hiroharu Arakawa, Tsukuba-shi, JAPAN;

DAVID A. MUTHARD

MAY 30 2006

Power of Attorney: The patent practitioners associated with Customer Number 000210. Patent Department

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/10742 07/21/2004

Foreign Applications

Acceptable Request to Retrieve Priority Application Received?

JAPAN PCT/JP03/09392 07/24/2003

NO

If Required, Foreign Filing License Granted: 05/17/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/565,326**

Projected Publication Date: 08/24/2006

Non-Publication Request: No

Early Publication Request: No

Title

~~Indolopyrrolocarbazole derivative and antitumor agent~~
INDOLOPYRROLOCARBAZOLE DERIVATIVES AND ANTI-TUMOR AGENT

Preliminary Class

536

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

U. S. PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER BY0019YP
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/JP2004/010742	INTERNATIONAL FILING DATE July 21, 2004	PRIORITY DATE CLAIMED July 24, 2003
TITLE OF INVENTION INDOLOPYRROLOCARBAZOLE DERIVATIVES AND ANIT-TUMOR AGENT		
APPLICANT(S) FOR DO/EO/US Mitsuru Ohkubo, Hiroharu Arakawa		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"><input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.<input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.<input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.<input checked="" type="checkbox"/> The US has been elected (PCT Article 31).<input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]<ol style="list-style-type: none"><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<input checked="" type="checkbox"/> has been communicated by the International Bureau.<input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).<input checked="" type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].<ol style="list-style-type: none"><input checked="" type="checkbox"/> is attached hereto<input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).<input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<ol style="list-style-type: none"><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).<input type="checkbox"/> have been communicated by the International Bureau.<input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<input checked="" type="checkbox"/> have not been made and will not be made.<input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].<input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].<input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]. <p>Items 11 to 20 below concern other document(s) or information included:</p> <ol style="list-style-type: none"><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.<input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.<input checked="" type="checkbox"/> A preliminary amendment.<input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.<input type="checkbox"/> A substitute specification.<input type="checkbox"/> A power of attorney and/or change of address letter.<input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.<input type="checkbox"/> A second copy of the published International Application under 35 U.S.C.154(d)(4).<input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C.154(d)(4).<input checked="" type="checkbox"/> Other items or information: Copy of verification of English translation of international application.		

DM

THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

BY0019YP

CASE NUMBER	DATE	ATTORNEY	EXPRESS MAIL <input checked="" type="checkbox"/>
BY0019YP	1-20-06	D. A. Muthard	EV 421342845 US
TITLE			
INDOLOPYRROLOCARBAZOLE DERIVATIVES AND ANTI-TUMOR AGENT			
INVENTORS			
Mitsuru Ohkubo, Hiroharu Arakawa			
NO. OF PAGES			
18	NO. OF CLAIMS		PAGES OF DRAWING
	7		0
DECLARATIONS		ACCOUNT CHARGE	
1 original - signed		13 - 2755 \$ 900.00	

F1071.3 REV.9/93

Pre. Amend., English Trans., & Verification Attached